

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		GRANT NUMBER (FAIN): 99248805	DATE OF AWARD 02/01/2013	
			MODIFICATION NUMBER: 5 PROGRAM CODE: BG		
			TYPE OF ACTION Augmentation: Increase		MAILING DATE 02/08/2013
			PAYMENT METHOD: Advance		ACH# 20047
RECIPIENT TYPE: State			Send Payment Request to: Las Vegas Finance Center		
RECIPIENT: New Jersey Dept of Environmental Protection 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420 EIN: 21-6000928			PAYEE: New Jersey Dept of Environmental Protection 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420		
PROJECT MANAGER Judy Jengo 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420 E-Mail: judy.jengo@dep.state.nj.us Phone: 609-292-2885		EPA PROJECT OFFICER Richard Yue 290 Broadway, CASD/DO New York, NY 10007-1866 E-Mail: Yue.Richard@epamail.epa.gov Phone: 212-637-3424		EPA GRANT SPECIALIST Cynthia Pabon Grants and Audit Management Branch, OPM/GAMB E-Mail: pabon.cynthia@epa.gov Phone: 212-637-3405	
PROJECT TITLE AND EXPLANATION OF CHANGES FY2011 - 2013 Performance Partnership Grant This amendment increases the obligated federal funds by \$6,413,728 and the EPA in-kind amount by \$96,400 which brings the total federal funding for this agreement (obligated and in-kind) to \$57,557,631, and leaves an unfunded balance of \$4,793,980. This action is in accordance with NJDEP's original application dated May 28, 2010, and supplemental information dated September 13, 2012 and October 25, 2012. The Terms and Conditions sections have been amended to remove a condition and add new conditions					
BUDGET PERIOD 07/01/2010 - 06/30/2013	PROJECT PERIOD 07/01/2010 - 06/30/2013	TOTAL BUDGET PERIOD COST \$92,463,358.00	TOTAL PROJECT PERIOD COST \$92,463,358.00		
NOTICE OF AWARD					
Based on your Application dated 05/28/2010 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$6,413,728. EPA agrees to cost-share 67.43% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$57,557,631. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866		ORGANIZATION / ADDRESS U.S. EPA, Region 2 Clean Air and Sustainability Division 290 Broadway New York, NY 10007-1866			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
Digital signature applied by EPA Award Official Donna J. Vizian - Assistant Regional Administrator for Policy and Management				DATE 02/01/2013	

BG - 99248805 - 5 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 50,846,978	\$ 6,413,728	\$ 57,260,706
EPA In-Kind Amount	\$ 200,525	\$ 96,400	\$ 296,925
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 30,111,747	\$	\$ 30,111,747
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 81,159,250	\$ 6,510,128	\$ 87,669,378

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.605 - Performance Partnership Grants	Appropriations Act of 1996 (PL 104-134) Appropriations Act of 1998 (PL 105-65)	40 CFR PTS 31 & 35 SUBPT A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	1302HE0120	13	E1	02M1	102A05	4108	-	-	81,000
-	1302HE0120	12	E1	02N1	202B01	4108	-	-	523,000
-	1302HE0120	13	E1	02N1	202B06	4108	-	-	2,878,500
-	1302HE0120	13	E1	02W1	401C09	4108	-	-	109,815
-	1302HE0120	13	E1	02W1	501E12	4108	-	-	104,715
-	1302HE0120	13	E1	02M1	302D11	4108	-	-	1,909,730
-	1302HE0120	13	E1	02M1	303D11	4108	-	-	806,968
									6,413,728

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$46,635,757
2. Fringe Benefits	\$16,252,561
3. Travel	\$50,000
4. Equipment	\$1,464,650
5. Supplies	\$294,500
6. Contractual	\$3,318,250
7. Construction	\$0
8. Other	\$11,687,600
9. Total Direct Charges	\$79,703,318
10. Indirect Costs: % Base	\$12,760,040
11. Total (Share: Recipient <u>32.57</u> % Federal <u>67.43</u> %.)	\$92,463,358
12. Total Approved Assistance Amount	\$62,351,611
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$6,510,128
15. Total EPA Amount Awarded To Date	\$57,557,631

Administrative Conditions

Administrative Condition No. 19, Subaward Reporting and Compensation, is hereby deleted from the agreement. The following condition is added:

20. CIVIL RIGHTS OBLIGATIONS

GENERAL

This term and condition incorporates by reference the signed assurance provided by the recipient's authorized representative on: 1) EPA Form 4700-4, "Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance"; and 2) Standard Form 424B or Standard Form 424D, as applicable. These assurances and this term and condition obligate the recipient to comply fully with applicable civil rights statutes and implementing EPA regulations.

STATUTORY REQUIREMENTS

In carrying out this agreement, the recipient must comply with:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin, including limited English proficiency (LEP), by entities receiving Federal financial assistance.
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against persons with disabilities by entities receiving Federal financial assistance; and
- The Age Discrimination Act of 1975, which prohibits age discrimination by entities receiving Federal financial assistance.

If the recipient is conducting an education program under this agreement, it must also comply with:

- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities operated by entities receiving Federal financial assistance.

If this agreement is funded with financial assistance under the Clean Water Act (CWA), the recipient must also comply with:

- Section 13 of the Federal Water Pollution Control Act Amendments of 1972, which prohibits discrimination on the basis of sex in CWA-funded

programs or activities.

REGULATORY REQUIREMENTS

The recipient agrees to comply with all applicable EPA civil rights regulations, including:

- For Title IX obligations, 40 C.F.R. Part 5; and
- For Title VI, Section 504, Age Discrimination Act, and Section 13 obligations, 40 C.F.R. Part 7.
- As noted on the EPA Form 4700-4 signed by the recipient's authorized representative, these regulations establish specific requirements including maintaining compliance information, establishing grievance procedures, designating a Civil Rights Coordinator, and providing notices of non-discrimination.

TITLE VI – LEP, Public Participation and Affirmative Compliance Obligation

- As a recipient of EPA financial assistance, you are required by Title VI of the Civil Rights Act to provide meaningful access to LEP individuals. In implementing that requirement, the recipient agrees to use as a guide the Office of Civil Rights (OCR) document entitled "*Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.*" The guidance can be found at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2004_register&docid=fr25jn04-79.pdf
- If the recipient is administering permitting programs under this agreement, the recipient agrees to use as a guide OCR's Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs. The Guidance can be found at <http://edocket.access.gpo.gov/2006/pdf/06-2691.pdf>.
- In accepting this assistance agreement, the recipient acknowledges it has an affirmative obligation to implement effective Title VI compliance programs and ensure that its actions do not involve discriminatory treatment and do not have discriminatory effects even when facially neutral. The recipient must be prepared to demonstrate to EPA that such compliance programs exist and are being implemented or to otherwise demonstrate how it is meeting its Title VI obligations.

b) Building support for the implementation of climate resiliency

- techniques like living shorelines among community groups and local decision makers through project-related education/outreach;
- c) Engaging the local community in freshwater mussel monitoring; and
 - d) Quantifying the contribution of endemic freshwater mussel populations in water quality improvements.

All other Administrative Conditions remain the same

Programmatic Conditions

The following conditions are added:

16. CLEAN WATER ACT SECTION 319(h) DISCRETIONARY FUNDS WORKPLAN

Within 45 days of receipt of this agreement, the recipient shall submit an approvable workplan to the U.S. Environmental Protection Agency, Region 2 Watershed Management Branch describing the proposed use of the \$200,000 in Clean Water Act (CWA) 319(h) discretionary funds. These CWA 319(h) discretionary funds (PRC 202B01) shall not be expended until the EPA's Watershed Management Branch approves the use of the \$200,000 in CWA 319(h) discretionary funds. The workplan must meet the following criteria:

- **Living Shorelines Project - Barnegat Bay:**

NJDEP will use the funds to implement one or more living shoreline projects in the Barnegat Bay watershed to assist in the recovery and future protection of water quality and natural resources from storms such as the October 2012 Hurricane Sandy. Living shorelines call for the utilization of a variety of structural and organic materials, such as wetland plants, submerged aquatic vegetation, oyster reefs, coir fiber logs, sand fill, and stone to improve water quality through filtration of upland stormwater runoff, stabilization of the shoreline, protection of surrounding riparian and intertidal environment, protection of residential and commercial development from storm surge and flooding, and creation of habitat for aquatic and terrestrial species. NJDEP, in cooperation with the Barnegat Bay Partnership or other local entities, will identify an appropriate site or sites and will implement shoreline erosion control projects with natural components, including milestones for identification of sites and implementation phases.

17. CLEAN WATER ACT SECTION 319(h) DISCRETIONARY FUNDS WORKPLAN

NJDEP, collaborating with the Partnership for the Delaware Estuary (PDE), will examine options for using living shorelines to restore water quality, improve coastal resilience, and enhance fish and wildlife habitat at the Camden, New Jersey's Cramer Hill neighborhood waterfront along the Cooper and Delaware Rivers. Within 45 days of receipt of this agreement, the recipient shall submit an approvable workplan to the U.S. Environmental Protection Agency, Region 2 Watershed Management Branch describing the proposed use of the \$323,000 in Clean Water Act (CWA) 319(h) discretionary

funds. These CWA 319(h) discretionary funds (PRC 202B01) shall not be expended until the EPA's Watershed Management Branch approves the use of the \$323,000 in CWA 319(h) discretionary funds. The work plan should include the following criteria:

- **Living Shorelines Project - Camden:**

- a) Developing a living shoreline design for a specific location in Camden, New Jersey, where it is determined to have the greatest beneficial impacts on water quality, habitat quality, and coastal resiliency;
- b) Building support for the implementation of climate resiliency techniques like living shorelines among community groups and local decision makers through project-related education/outreach;
- c) Engaging the local community in freshwater mussel monitoring; and
- d) Quantifying the contribution of endemic freshwater mussel populations in water quality improvements.

All other Programmatic Conditions remain the same.